

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

IN RE: JOHN M. WELLS, JR.
DEBTOR

CASE: 09-15132

MOTION TO DISMISS

COMES NOW, DEBTOR, JOHN M. WELLS, JR., by and through counsel, and files this Motion to Dismiss the above styled case pursuant to Title 11 U.S.C. §1307(b) which provides:

“On request of the Debtor at anytime, if the case has not been converted under section 706, 112, or 1208 of this title, the Court shall dismiss a case under this chapter. Any waiver of the right to dismiss under this subsection is unenforceable.”

Debtor would show unto the Court that he filed this Chapter 13 Bankruptcy case on October 4, 2009. Debtor would further show that said case has not been converted from Chapter 7, Chapter 11 or Chapter 12 and that Debtor believes it would be in Debtor's best interest to dismiss said Chapter 13 Bankruptcy.

WHEREFORE PREMISES CONSIDERED, Debtor respectfully requests the Court dismiss the case pursuant to the authority of Title 11 U.S.C. §1307(b).

Respectfully submitted, this the 12th day of December, 2009.

s/s John C. Ross, Jr.
JOHN C. ROSS, JR.
Debtor's Attorney

JOHN C. ROSS, JR.
ATTORNEY
POST OFFICE BOX 1681
CORINTH, MISSISSIPPI 38835
TELEPHONE NO. 662-284-0085

CERTIFICATE OF SERVICE

I, John C. Ross, Jr., do hereby certify that on this day delivered by mailed a true and correct copy of the foregoing Motion to those listed below.

United States Trustee
100 W. Capitol Street
Suite 706
Jackson, Mississippi 39269

Terre Vardaman
Chapter 13 Trustee
Post Office Box 1326
Brandon, Mississippi 39043-1326

Dated this the 12th day of December, 2009.

s/s John C. Ross, Jr.
JOHN C. ROSS, JR.
ATTORNEY

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